

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

Case No. 5520
Date Filed 11/22/05
Hearing Date _____
Receipt _____
Fee \$50.00

NOV 22 2005

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
____ Special Exception
____ Use Variance
____ Change/Extension of Non-Conforming Use
____ Minor Area Variance
____ Area Variance
____ Variance from Requirements of the Code
____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5520 MAP 39 TYPE Variance

ELECTION DISTRICT 4 LOCATION 3042 Charles Street, Fallston 21047

BY Linda Smith, 1242 Bonaire Road, Forest Hill 21050

Appealed because a variance pursuant to Sec. 267-26C (1) of the Harford County Code to allow a garage to exceed fifty (50%) of the square footage of habitable space of the principal structure in the AG district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Linda L. Smith Phone Number (410) 838-3434
Address 1242 Bonaire Rd. Forest Hill, MD 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3042 Charles St Fallston, MD 21047

Subdivision N/A

Lot Number _____
Zoning Agricultural
~~Residential~~

Acreage/Lot Size 2.29 Election District 04

Tax Map No. 39 Grid No. 2A Parcel 81 Water/Sewer: Private ☒ Public _____

List ALL structures on property and current use: Pool, ^{Tool}shed, Garage, House

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Request

I am requesting a variance from the provisions of zoning code requirement that a detached structure be 50% or less the size of the residence.

Justification

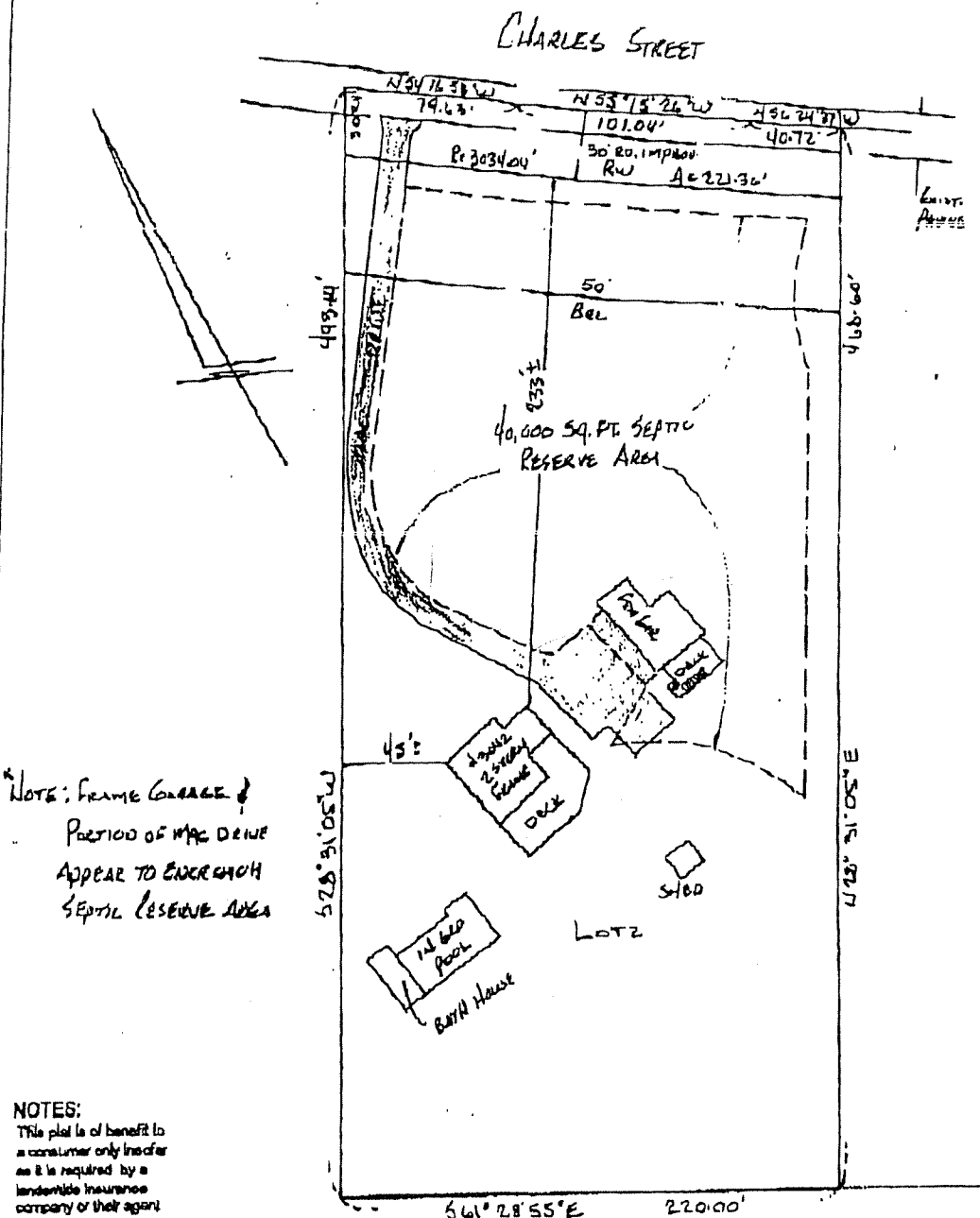
Due to the architecture of the home at 3042 Charles Street, there is virtually no storage space.

The passive solar design of the house does not allow for an attic or basement. Additionally, it is a relatively small house (1784 SF) without adequate closet space as it stands, in fact the usable area is decreased by 80 SF per floor leaving approximately 1524 SF. This is due to the passive solar envelope architecture described as follows: the house incorporates an envelope system which means warmed air rises from the glassed in area on the southern side of the house and rises to the second floor where it is carried through a two foot cavity between the roof and the ceiling to the rear northern wall where it continues to be carried through a two foot cavity and into a crawl space where it is stored in a six foot rock bed and the cycle begins again. The figure of 1784 SF includes the cavity area which is not usable. Due to this heating system and the hilly terrain of the lot, an addition was not a consideration.

The plans for the garage were drawn to visually match the shape house and to allow for a two-bay garage with additional storage space. Additional storage space is provided on the second floor. It should be noted, however that not all of storage space on the second floor is usable as the very back wall on the second floor is approximately 4 feet tall.

There are other large detached structures in existence in the immediate neighborhood. The garage provides space for two vehicles and a lawn mower on the first floor and storage on the second floor. The addition of the garage makes the space available comparable to other properties in the area.

5/10/04



NOTES:
This plat is of benefit to a consumer only insofar as it is required by a lender or insurance company or their agent in connection with a contemplated transfer or financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification is not required for the transfer of title or securing financing or refinancing of the property shown herein.

The setback dimensions shown herein and as they relate to structures noted are to be interpreted as being within 2 feet either way of the dimension shown.

[Handwritten signature]

LOCATION DRAWING
Property Address: 3042 Charles Street

LOT 2 REVISED FINAL PLAT LAND OF
MILES E. ROBINSON PLAT REF. 5/1/04
HARFORD COUNTY MARYLAND
Scale: 1"=60' Date: 5-28-05

CSR/RANSONE SURVEYS
3305 Appleton Avenue
Baltimore, MD 21234
Phone: (410) 888-7281
Fax: (410) 888-5084
Pager: (410) 808-4011
File: C01

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 3, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5520

APPLICANT/OWNER: Linda L. Smith
1242 Bonaire Road. Forest Hill, Maryland, 21050

REPRESENTATIVE: Applicant

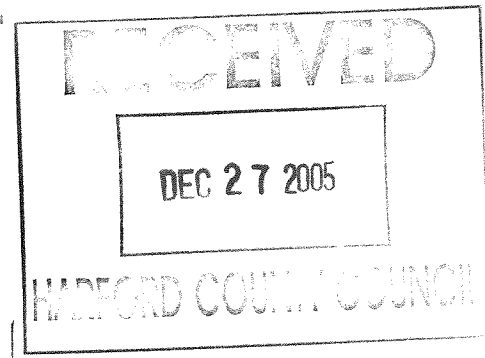
LOCATION: 3042 Charles Street, Fallston, Maryland 21047
Tax Map: 39 / Grid: 2A / Parcel: 81
Election District: Four (4)

ACREAGE: 2.29 acres

ZONING: AG/Agricultural

DATE FILED: November 22, 2005

HEARING DATE: January 11, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-26C (1) of the Harford County Code to allow a garage to exceed fifty percent (50%) of the square footage of habitable space of the principal structure in the AG/Agricultural District.

~ Preserving Harford's past, promoting Harford's future ~

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Linda L. Smith

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Section 267-26C(1) of the Harford County Code reads:

- (1) *In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to Agricultural structures, nor does it apply the provisions of Section 267-24, Exceptions and modifications to minimum height requirements*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the northwest area of the County, on the south side of Charles Street, east of Fallston Road (MD Route 152). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. There are also areas of Rural Residential. The Natural Features Map reflects Parks, Stream Systems, Sensitive Species Project Review Areas, Maryland Environmental Trust Easements and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 2004 Master Plan. The predominant land use is Agricultural which includes cropland, pastureland and large areas of dense woodland. The area also contains several single-family residential developments. The topography of this area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and the topography map (Attachments 6 and 7).

The Applicant's property is a rectangular shaped parcel approximately 2.29 acres in size located on the south side of Charles Street. The topography of the property rises up from the road to the area around the existing improvements, then continues to rise to the rear property line. The lot contains open areas and forested areas. The septic reserve area is situated to the front of the lot

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with the well to the rear of the dwelling. The existing improvements sit approximately 200 feet from the road. These improvements include a frame 2-story solar house, a detached frame 2-story 3-car garage, a paved driveway with parking, an in-ground pool with a frame pool house and a shed. The property is nicely landscaped and well maintained. The garage appears to be located within the septic reserve area. If the variance is approved the Health Department must approve a reconfiguration of the septic reserve area and the final plat would need to be revised.

As stated the house is a solar house that is situated on the lot so that the front of the house actually faces to the rear of the lot because of the orientation of the sun to make the solar design work. The only windows in the house are those facing to the rear property line. Because of its solar design, it was built on a slab with no basement or attic for storage. The dwelling is small with only 1784 square feet of floor area. According to the Applicant the garage is approximately 1400 square feet in size. The garage matches the design and materials of the house and has a second floor which is for storage only. This area of the county contains very large homes that are much bigger in size than the subject dwelling. Enclosed are site photographs and an aerial photograph (Attachments 8 & 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are also areas of RR/Rural Residential zoning. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 10).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-26C (1) of the Harford County Code to allow a garage to exceed fifty percent (50%) of the square footage of habitable space of the principal structure in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The applicants dwelling is small compared to other dwellings in the area. Because of the design of the dwelling the applicant can not easily expand the dwelling. The garage was designed to match the architecture of the dwelling. The garage is similar in size to other accessory structures in this area of the county. The requested variance will not adversely impact the adjacent properties or the intent of the code.

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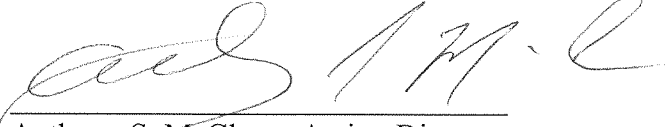
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance for the garage be approved subject to the following conditions:

- 1) The applicant must obtain approval from the Health Department for reconfiguration of the septic reserve area.
- 2) The applicant shall record a revised final plat for the lot showing any necessary changes to the septic reserve area.
- 3) The garage shall only be used for storage area and shall not be used for living area.
- 4) The garage shall not be enlarged in the future.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf